

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MEAGAN EARLY,)
)
 Plaintiff,)
)
 v.) No. 10-0544-CV-W-FJG
)
 CAREER EDUCATION CORPORATION,)
 COLORADO TECHNICAL UNIVERSITY,)
 INC., and MARK COWIE,)
)
 Defendants.)

ORDER

Before the Court are (1) Plaintiff's Motion to Remand (Doc. No. 14, filed on June 28, 2010) and (2) the parties' Joint Stipulation and Consent to Remand (Doc. No. 17, filed on July 30, 2010). This matter was removed based on defendants' assertion that diversity jurisdiction pursuant to 28 U.S.C. § 1332 exists, as the matter is between citizens of different states and the amount in controversy exceeds \$75,000.00. In plaintiff's motion to remand, plaintiff indicates that this Court does not have diversity jurisdiction as the amount in controversy does not exceed \$75,000.00. In the parties' recently-filed stipulation (Doc. No. 17), plaintiff and defendants have entered into a joint stipulation and consent to remand, attaching plaintiff's amended declaration wherein she stipulates and agrees that she will not seek or accept more than \$74,500 in damages, including punitive damages, costs, and attorneys' fees. Plaintiff agrees that the stipulation is binding on plaintiff in any court, state or federal, in this lawsuit or in any subsequently re-filed lawsuit.

Accordingly, this Court finds that diversity jurisdiction does not exist in this matter as the amount in controversy is less than \$75,000.00. Therefore, plaintiffs' Motion to

Remand (Doc. No. 14) is **GRANTED**. This case is remanded to the Circuit Court of Clay County, Missouri, and all further proceedings shall occur in that court. The Clerk of the Court is directed to mail a certified copy of this Order to the Clerk of the Circuit Court of Clay County, Missouri as required by 28 U.S.C. § 1447(c).

IT IS SO ORDERED.

Date: 8/5/2010
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge